

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET, SW**  
**WASHINGTON, DC 20554**

MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
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Lawrence Chinese Evangelical Church  
1644 Stratford Road  
Lawrence, KS 66044

Re: KCIU-LP, Lawrence, KS  
Facility ID No. 126284  
Lawrence Chinese Evangelical Church  
File No. BPL-20101201AAT

Dear Applicant:

This letter refers to the above-captioned application for a minor change and the request for waiver of the second adjacent channel spacing rules.

### **Waiver Request**

In the application, Lawrence Chinese Evangelical Church ("LCE") proposes to operate station KCIU-LP on Channel 264L1 creating a second adjacent channel short-spacing to the license (BLH-19890718KB) and construction permit (BPH-20100921ACT) for station KDVV(FM), Topeka, KS, thus requesting waiver of 47 C.F.R. § 73.807.<sup>1</sup> LCE states that the channel currently authorized (279L1) in the license (BLL-20041118AEF) for KCIU-LP is receiving interference from co-channel translator station K279BI (BLFT-20100309ABW).<sup>2</sup>

### **Discussion**

On December 11, 2007, the Federal Communications Commission released *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking.<sup>3</sup> The *Third Report and Order* established the requirement for requesting waiver of § 73.807 regarding second adjacent channel spacing. To be considered for a waiver, there must be an impending encroachment or displacement action from a full-service FM facility that would severely impact or curtail the LPFM's operation. The second adjacent waiver procedures will be limited to those situations in which the implementation of the full-service new station

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<sup>1</sup> LCE also includes a letter from KDVV stating that it has no objection to the instant application.

<sup>2</sup> An engineering study has revealed that the distance between KCIU-LP and K279BI is 94 kilometers. The minimum spacing requirement pursuant to 47 C.F.R. § 73.807 is 39 kilometers. KCIU-LP does not provide an exhibit demonstrating interference within its 60dBu primary service area.

<sup>3</sup> See *Creation of a Low Power Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 07-204 (rel. December 11, 2007) ("*Third Report and Order*").

modification would result in the full-service and LPFM stations operating at less than the minimum distance set forth in Section 73.807. Therefore, a waiver request involving a fully spaced translator station will not qualify as an action to request the relief provided by the *Third Report and Order*. Furthermore, review of our records reveals that there is no precedent for waiver of Section 73.807 based on the circumstances and evidence presented by WCIU-LP.

## Conclusion

Accordingly, in light of the above, the request for waiver of the second adjacent channel spacing rules IS DENIED and application BPL-20101201AAT being unacceptable for filing and IS HEREBY DISMISSED. This action is taken pursuant to Section 0.283 of the Commission's Rules.<sup>4</sup>

Sincerely,



Edna V. Prado  
Supervisory Engineer  
Audio Division  
Media Bureau

cc: Danny Langston

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<sup>4</sup> 47 C.F.R. § 0.283.